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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/057,737

01/25/2002

Amy Swift

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EXAMINER

NEWTON, JARED W

ART UNIT

PAPER NUMBER

3692

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

04/09/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/09/2007.

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Office Action Summary	Application No. 10/057,737	Applicant(s) SWIFT ET AL.	
	Examiner Jared W. Newton	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>May 10, 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1 and 8 are objected to because of the following informalities: the word "driver" in line 18 (claim 1) and line 2 (claim 8) should be changed to --driver's--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-22, and 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,679,940 to Templeton et al. (Templeton).

In regard to claims 1, 9, 13, 20, and 21, Templeton discloses an apparatus and method for accepting a check over a communications network, wherein check MICR data is sent over the network (see FIG. 5, steps 205 and 225); the check writer's driver license data is sent over the network (see col. 2, line 54 – col. 3, line 8); the MICR and license data are stored in a database provided by a check acceptance service (see id.); the check is electronically submitted for settlement via a point-of-sale terminal that scans the MICR data (step 205); receiving a communication from the authorization host computer that the check is declined (see col. 30, lines 44-46); locating a database record using the account number as a search identifier (see col. 32, lines 45 – 49); and

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reading the driver's license data from a database record and transmitting at least a portion of the driver's license data to a recipient such as a merchant (see col. 32, line 45 – col. 33, line 45). Templeton states:

“[O]nce the check acceptance service is able to append a customer's name to the other data maintained in the positive file, the check acceptance service is able to provide the customer's name along with subsequent approval codes ... Name and address information may also be useful to merchants who want to compile of [sic] list of their check writing customers ... prior art systems did not facilitate the collection of such information. However the preferred transaction terminal 15 allows merchants to quickly and efficiently capture name and address information by electronically reading magnetic stripe drivers licenses ... The name and address data will be retained by the authorization host computer if the data is not already included in the check acceptance service's databases.” Id.

It is noted that it is inherent that checks are declined due at least in part to insufficient funds.

In regard to claims 2 and 12, Templeton discloses drivers' licenses including driver's license numbers (see e.g., col. 2, line 54 – col. 3, line 8).

In regard to claim 3, Templeton discloses driver's license data including a customer's address (see e.g., col. 33, lines 1-3).

In regard to claims 4 and 11, Templeton discloses searching using MICR data (see col. 32, lines 45-49). It is inherent that MICR data includes both an account number and a bank routing number.

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In regard to claim 5, Templeton discloses locating separate database records, for instance, “positive” and “negative” database records (see col. 3, lines 6-16), and transmitting the records to a recipient as set forth above.

In regard to claim 6, Templeton discloses both positive and negative database records being located with account numbers (see e.g. col. 32, lines 45-49).

In regard to claims 7 and 16, Templeton discloses merchant data stored in the check acceptance service’s data records, said merchant data used to “determine whether the merchant is an active client, and to identify the services provided to the merchant” and is transmitted to a first recipient (see col. 2, line 67 – col. 3, line 5).

In regard to claims 8 and 10, Templeton further discloses locating a customer using the name and address information obtained from the driver’s license data (see col. 32, lines 56-60).

In regard to claim 14, Templeton discloses the check acceptance service, which can guarantee payment (see col. 2, lines 20-26), is also a recipient of information customer data.

In regard to claim 15, Templeton discloses the first transaction record further including the transaction amount (see col. 2, lines 60-67).

In regard to claims 17, 18, and 22, Templeton discloses the use of a paper check and a “data card,” including a check card (see col. 10, lines 18-32).

In regard to claim 19, the apparatus and method disclosed by Templeton is for processing an electronic check.

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In regard to claim 25, Templeton further discloses account data entered manually at the point-of-sale (see col. 21, lines 1-17).

In regard to claims 26-30, Templeton discloses the apparatus and method as set forth above, and further discloses a computer readable memory executing programs (instructions) for enabling the apparatus and method (see e.g., col. 16, line 61 – col. 17, line 49; col. 27, lines 25-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton as applied to claims 1-22, and 25-30 above, alone.

Templeton discloses the apparatus and method for accepting a check as set forth above, but does not explicitly disclose:

- The check in the form of a check card that includes a bar code that stores the account number.

Templeton discloses the check in the form of a check/debit card as set forth above (see claim 17 rejection). The examiner takes official notice that it is well known that such check and debit cards include bar codes and magnetic strips, each of which

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include account information such as account number, balance, and customer information.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Templeton as applied to claims 1-22, and 25-30 above, and further in view of US Patent No. 6,283,366 to Hills et al. (Hills).

Templeton discloses the apparatus and method for accepting a check as set forth above, but does not disclose:

- A portion of the account information being optically read from the check (claim 24).

Hills discloses a system for reading check information at a point-of-sale, said system comprising including "optical character recognition ("OCR") equipment" (see col. 6, lines 45-63).

The Templeton and Hills references are analogous art because they are from the same field of endeavor—check authorization. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the OCR equipment as disclosed by Hills in the apparatus as disclosed by Templeton. The motivation to do so would have been to provide an additional means of reading check or card information into the system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US Patent No. 7,131,571 to Swift et al.
- US Patent No. 7,068,832 to Price et al.
- US Patent No. 7,016,876 to Lanier et al.
- US Patent No. 6,816,608 to Cato
- US Patent No. 6,757,664 to Cardinal et al.
- US Patent No. 6,647,376 to Farrar et al.
- US Patent No. 6,243,689 to Norton
- US Patent No. 6,189,785 to Lowery
- US Patent No. 6,164,528 to Hills et al.
- US Patent No. 6,072,894 to Payne
- US Patent No. 5,925,865 to Steger
- US Patent No. 5,896,298 to Richter
- US Patent No. 5,878,337 to Joao et al.
- US Patent No. 5,832,464 to Houvener et al.
- US Patent No. 5,305,196 to Deaton et al.
- US Patent Application Publication No. 2007/0029376 to Stoutenburg et al.
- US Patent Application Publication No. 2003/0222135 to Stoutenburg et al.
- US Patent Application Publication No. 2003/0218061 to Fillatov
- US Patent Application Publication No. 2003/0050892 to Clynes et al.

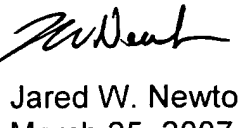
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- US Patent Application Publication No. 2003/0033252 to Buttridge et al.
- US Patent Application Publication No. 2002/0103756 to Andrews et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jared W. Newton
March 25, 2007
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